

Message Text

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ACTION ARA-20

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FM AMEMBASSY MEXICO

TO AMERICAN BATTLE MONUMENTS COMMISSION WASHDC

INFO SECSTATE WASHDC 1608

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E.O. 11652 N/A

TAGS: OGEN, MX

SUBJECT: AMERICAN CEMETERY DEVELOPMENTS

REF: MEXICO 3900

1. ON MAY 9 AMBASSADOR MET WITH FONESEC DIRECTOR-IN-CHIEF ALFONSO ROSENZWEIG-DIAZ, JR., BECAUSE UNDERSECRETARY GALLASTEGUI HAD BEEN CALLED TO OFFICE OF THE PRESIDENT. ROSENZWEIG-DIAZ EMPHASIZED THAT IN VIEW OF STRONG FEELING EXPRESSED BY AMBASSADOR, GALLESTEGUI HAD INSTRUCTED HIM TO TAKE A NEW LOOK AT THE CEMETERY PROBLEM AND TO KEEP THE GOM POSITION AS FLEXIBLE AS POSSIBLE WITHIN THE CONSTRAINTS OF LAW AND POLITICAL REALITIES. THE CONVERSATION TOOK PLACE IN A FRIENDLY, CORDIAL ATMOSPHERE.

2. ROSENZWEIG-DIAZ SAID THAT THE FOREIGN RELATIONS SECRETARIAT HAD PREPARED A MEMORANDUM SETTING FORTH THE BASIC GOM POSITION ON THE ISSUE (INFORMAL TRANSLATION SENT SEPTTEL). IN ESSENCE, GOM MAINTAINS THAT MELCHOR OCAMPO SITE WAS INITIALLY ACQUIRED AS BURIAL GROUND FOR PRIVATE CITIZENS WHO DIED IN MEXICO CITY, THAT USG "UNILATERALLY" CHANGED ITS CHARACTER FROM A PRIVATE TO A NATIONAL MEMORIAL, THAT THE LAND REMAINS FULLY SUBJECT TO GOM LAW AND JURISDICTION AND THAT MEXICO HAS NO RESPONSIBILITY OTHER THAN EQUITABLY COMPENSATING OWNER (USG) FOR THAT PORTION OF ITS TOTAL HOLDING AFFECTED BY THE CIRCUITO PROJECT. HE OBSERVED THAT HISTORICALLY USG HAD BEEN DELINQUENT IN CARRYING OUT OBLIGATIONS

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IMPOSED BY ORIGINAL AUTHORIZATION OF PURCHASE TO COMPLY WITH LOCAL

REGULATIONS. SIMILARLY, TAXES HAD NOT BEEN PAID OVER THE YEARS, ALTHOUGH HE ADMITTED THAT NO ATTEMPT (HOWEVER QUESTIONABLE) TO LEVY TAXES HAD BEEN MADE.

3. DIRECTOR-IN-CHIEF THEN EXPANDED TO SOME DEGREE ON THE PROPOSAL STATED BY SECRETARY RABASA TO AMBASSADOR (MEXICO 3763) WHICH WOULD INVOLVE PURCHASE FOR CASH BY GOM OF ENTIRE MELCHOR OCAMPO SITE AND FACILITATIVE ASSISTANCE TO AMERICAN BENEVOLENT SOCIETY IN ACQUIRING ONE OF THE TWO ALTERNATE SITES PROPOSED EARLIER BY DDF. ROSENZWEIG-DIAZ SAID DDF READY TO HELP IN LAND ACQUISITION (APPARENTLY CITY HOLDS OPTION TO PURCHASE ONE OR BOTH SITES) AND INSTALLATION OF UTILITIES. WHEN AMBASSADOR POINTED OUT THAT AMERICAN BENEVOLENT SOCIETY "FRONT" WAS UNACCEPTABLE TO ABMC FOR POLICY REASONS AS WELL AS CREATING LEGAL PROBLEMS ROSENZWEIG-DIAZ SUGGESTED WE MIGHT WANT TO CONSIDER SETTING UP A NEW FOUNDATION OR OTHER "CIVIL ASSOCIATION" WHICH MUST BE REGISTERED AS NON-GOVERNMENTAL FOR THIS PUPOSE. (PRESUMABLY ARRANGEMENTS COULD BE MADE FOR ABMC TO BE PARTICIPANT OR SOLE HOLDER OF SUCH A NEW ASSOCIATION).

4. AT THIS POINT AMBASSADOR EXPRESSED GRATIFICATION AT WILLINGNESS OF GOM TO SEEK SOLUTIONS. HE SUGGESTED THAT INSTEAD OF SOME NEW "CIVIL ASSOCIATION" GOM RECONSIDER OUR PROPOSAL THAT TITLE TO SOME NEW PLOT BE VESTED IN GOM WITH USE ACCORDED TO US ON PERMANENT BASIS, AND GAVE HIM ALTERNATE FORMULA SUGGESTED BY ABMC IN ITS WD-1491. ROSENZWEIG SAID THAT WAS TOTALLY UNACCEPTABLE. IN EFFECT IT WOULD IMPROVE THE US POSITION SINCE IT WOULD GIVE LEGAL SANCTION TO RIGHTS AND PRIVILEGES WHICH THE USG DID NOT IN FACT HAVE OVER THE MELCHOR OOCAMPO SITE. IT HAD BEEN ACQUIRED AS A PRIVATE PRUCHASE FOR THE VERY LIMITED PURPOSE OF PROVIDING BURIAL FOR AMERICAN CITIZENS WHO MIGHT DIE IN MEXICO AND HAD NO EXTRA TERRITORIAL OR SUPRA-NATIONAL STATUS AND WAS IN EVERY WAY SUBJECT TO THE JURISDICTION AND LAWS OF MEXICO.

5. THE AMBASSADOR OBSERVED THAT QUITE ASIDE FROM THE STRICLY LEGAL ASPECTS, WHICH WERE IN FACT SUBJECT TO DEBATE, PARTICULARLY IN VIEW OF OUR UNDISPUTED TENURE FOR OVER A CENTURY AND A QUARTER, WE SHOULD CONSIDER THIS AS A VERY SENSITIVE SENTIMENTAL/ POLITICAL PROBLEM WHICH WAS IN OUR MUTUAL INTEREST TO RESOLVE AMICABLY. AMBASSADOR SAID HE WOULD INFORM THE DEPARTMENT OF THE LIMITED OFFICIAL USE

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CURRENT MEXICAN PROPOSAL AND WHILE EMPHASIZING THAT HE WAS UNABLE TO COMMENT ON ITS ACCEPTABILITY, HE WONDERED WHETHER IT MIGHT NOT BE MADE SOMEWHAT MORE ATTRACTIVE IF INSTEAD OF A PURCHASE BY THE GOM OF OUR PLOT, AN OUTRIGHT EXCHANGE(PERMUTA) MIGHT NOT BE EFFECTED WHEREBY THE GOM MADE A DONATION TO US, OR TO A "CIVIL ASSOCIATION" FOUNDED FOR THIS PURPOSE, OF NEW SUITABLE LAND IN PLACE OF THE MELCHOR OCAMPO SITE. MUTUAL "DONATIONS" SEEMED SO MUCH MORE SEEMLY THAN "PURCHASES" IN A CASE SUCH AS THIS.

ROSENZWEIG SAID HE WOULD STUDY THIS AND THE AMBASSADOR ASKED HIM TO STUDY ALSO THE POSSIBILITY OF INCLUDING IN SUCH A "DONATION" AS MANY AS POSSIBLE OF THE "SAFEGUARDS" SET FORTH IN ABMC'S ALTERNATE LANGUAGE (WO-1491). HE SAID THAT IN MEANTIME STATE DEPARTMENT AND ABMC WOULD BE REQUESTED TO STUDY AND COMMENT ON GOM'S MEMORANDUM AND PRESENT CONVERSATION. AMBASSADOR ALSO ASKED, AS A MATTER OF INTEREST, WHETHER THE FEDERAL DISTRICT'S OFFER OF EXCHANGE OF THE STRIP OF LAND TO THE SOUTH OF OUR PRESENT PLOT WAS STILL VALID. ROSENZWEIG REPLIED THAT IN HIS OPINION SUCH AN EXCHANGE OR PERMUTA WOULD ENCOUNTER THE SAME LEGAL OBSTACLES AS RAISED IN THE TOLUCA PLOT - NO MEXICAN OFFICIAL COULD LEGALLY NOTARIZE SUCH GRANT OF OWNERSHIP TO A FOREIGN GOVERNMENT. HE ADMITTED TO THE POSSIBILITY OF SOME ARRANGEMENT BEING MADE GIVING US THE USE OF SUCH LAND INFORMALLY IF BY CHANCE WE DECIDED TO STAY WITH THE DIMINISHED MELCHOR OCAMPO.

6. ROSENZWEIG (WHO EVEN WHILE ATTEMPTING TO BE CORDIAL AND CONCILIATORY MANAGES TO GRATE ONE'S NERVES) THEN OBSERVED THAT AS FAR AS HE AND THE GOM WERE CONCERNED THE BEST SOLUTION WAS FOR THE REMOVAL TO THE US OF THE REMAINS OF THE US WAR DEAD WHO, AS INVADERS, WERE A POLITICAL EMBARRASSMENT. THE AMBASSADOR REPLIED SHARPLY TO THE CONTRARY THAT IN HIS OPINION THE REMOVAL OF THE REMAINS OF OUR SOLDIERS AT THIS DATE RISKED EXCITING A WAVE OF EMOTIONS, BOTH PATRIOTIC AND JINGOISTIC, ON BOTH SIDES OF THE FRONTIER AND WHICH COULD DO ENORMOUS DAMAGE TO THE CURRENTLY HARMONIOUS RELATIONS BETWEEN OUR TWO COUNTRIES. THUS A HIGHER PURPOSE REQUIRED US TO FIND A SUITABLE SOLUTION TO THIS PROBLEM AND IT WAS FOR THIS REASON THAT THE AMBASSADOR HIMSELF WAS SPENDING SUCH TIME AND EFFORT ON THE MATTER. ROSENZWEIG SEEMED TO GET THE POINT AND THE INTERVIEW ENDED ON A CORDIAL BASIS WITH EACH SIDE PROMISING TO LOOK CONSTRUCTIVELY AT CONSIDERATIONS PUT FORTH. JOVA

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